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## REPORT OF COMMITTEE A ON ACADEMIC FREEDOM AND ACADEMIC TENURE

The general report of the Committee on Academic Freedom and Academic Tenure for 1915, adopted and approved by vote of the Association, was a thorough discussion of the right of academic freedom,—of the principles upon which that right rests, of what it includes and what it does not include, of the methods of protecting it,—and also of the proper terms and conditions of academic tenure and of the administrative procedure appropriate to cases of proposed dismissal. Your present committee does not propose to traverse the field covered in the report of 1915. That report has been widely circulated and much quoted, and we believe that it has exercised a profound influence, not only in specific instances, but also upon the general current of thought and opinion on these matters, and upon general tendencies in the organization of higher education in this country. In the present report we propose merely to make record of certain conclusions that we have reached as a result of our experience during the past two years,\* and, in particular, to discuss some of the larger aspects of the general problem of academic tenure.

During these two years over thirty instances of alleged infraction of proper standards of academic freedom or academic tenure have been brought to the attention of the committee. It has been impossible to undertake a thorough investigation of each of these cases. Selection has been necessary. The committee cannot claim to have reached any wholly satisfactory principle of selection. But in its own deliberations—preliminary to a decision on the matter of recommending that an investigation be made—it has tried to adhere to a fairly uniform method of procedure. This usually includes preliminary correspondence by the chairman with the complainants, with the president or other administrative officials of the institution involved, and, wherever feasible, with persons in a position to know something about the facts in the case and to give an unbiased account of them. Efforts are also made to secure copies of the more

\* Through a mishap, no general report from Committee A was presented at the annual meeting in 1916. The present report, therefore, covers the Committee's work in 1916 and 1917.

important documents. Upon the basis of this information the chairman prepares a short summary or digest of the case, and sends this, accompanied sometimes by copies of documents, to his colleagues on the committee. There is evidence, possibly that the chairman has succeeded in making these summaries impartial, and certainly that the members of the committee have assumed their shares of individual responsibility for its work, in the fact that the chairman has more than once found himself in the minority on the question of the wisdom of undertaking a proposed investigation.

In these preliminary inquiries and discussions pains have to be taken to avoid creating the impression that a decision not to investigate is a judgment adverse to a complainant. Equally, of course, a decision to investigate is not an indictment. The grounds of selection are diverse; the preliminary inquiries are informal, personal, safeguarded by none of the established rules of judicial procedure, often utilizing information that, for the time being, at least, cannot be communicated to one or another of the parties in interest. A decision to investigate means merely that the case is one on which, in the interests of an injured party, or of the institution, or of the college and university world in general, more light should be thrown, or with respect to which some sort of appraisal should be reached.

Not all complaints, it must be confessed, lead even to the informal and fairly uniform procedure just described. In a few—a very few—instances, the chairman has taken the responsibility of deciding that a complaint did not deserve the serious attention of the committee. In other instances the preliminary correspondence has led to a reversal of the action complained of or to the correction of the conditions criticised, and hence to the withdrawal of the complaint. In yet other instances, where there has seemed to be a fair chance that the local faculty, or other local agencies would be able to secure satisfactory adjustment of a difficulty, it has been deemed best to delay action by our committee. In general, the committee has been loath to recommend an investigation in any case in which the interests and rights of an institution's teaching staff as a whole have been directly concerned, unless the members of that staff have been willing to take an open and unequivocal stand in the matter. It is better in every way that the men on the ground should do all that they can to secure a satisfactory adjustment of local difficulties, that they should at least make an open declaration of their attitude, before seeking the help of the Association.

When the committee has voted to recommend that a certain investigation be made, and when the executive committee has given its approval, a special sub-committee, chosen for the purpose, is asked to undertake the investigation and render a report. It is difficult to overestimate the responsibility put upon these sub-committees. Their work has, in every instance, a broader significance than attaches to the individual cases with which they deal, important as these are. To secure permanently improved conditions of academic tenure at one institution, to obtain the redress of individual grievances, to render a just verdict where injustice had prevailed, are results sufficient in themselves to justify the enormous amount of painstaking work that falls to these committees, and especially to their chairmen. But beyond these very definite and specific achievements there is a larger fact. In the reports of these committees the academic profession of this country finds its most effective mode of utterance, its most forceful way of bringing its influence to bear upon the problem of its own position in the scheme of organization of higher education in this country. No two reports, it is likely, are precisely alike in all of their general premises and inferences. In these respects they are bound to reflect differences in local situations—leading to different distributions of emphasis—and in the make-up of the various committees. But in the large they have been consistent one with another, and we believe that in their common point of view, and especially in their general criteria of judgment, they represent very faithfully the dominant, perhaps the almost unanimous, opinion of our profession upon fundamental matters of college and university organization and control. They supplement and amplify the general report of 1915 on academic freedom and academic tenure—with which also they are, without exception, in substantial harmony—by contributing to the building up of a body of case law, gradually bringing a larger variety of specific issues under the control of general principles. There is every reason to believe that these general principles of academic freedom and academic tenure are winning an increasing measure of recognition and approval, and that the value,—the necessity, even,—of the Association's work is now rarely questioned. For this, no small amount of credit must be given to the thoroughness, the judgment, and the tact with which our sub-committees have accomplished their tasks.

We have already said that the cases investigated are but a small

proportion of those brought to our attention, and that we have not been able to hit upon any really satisfactory general basis of selection. Certain it is that there has not been an investigation of every case of which investigation might desirably have been made. Not every case, even, in which there was *prima facie* evidence of a violation of proper standards of academic tenure or of a disregard of proper modes of procedure has been assigned to a committee of investigation. We have sometimes had to appear to be indifferent to a real and valid grievance. But our experience has shown pretty clearly that we can rarely expect to obtain the actual redress of an individual grievance, and we do not believe that we should intervene merely to secure the professional rehabilitation of one unjustly dismissed. There is no evidence that unjust dismissal is likely to lower the general academic rating of a scholar or teacher. We have to look to the future rather than to the past, and to the institution rather than to the individual. Injustice to the individual becomes a matter of wider concern when it indicates a bad institutional situation, marked by the rule of intolerance, or dishonesty, or ignorance, and creating an atmosphere of discomfort and unrest. If we cannot redress grievances we may uncover the conditions which breed them, and so make their recurrence less likely.

But the committee has not always been able to rest its decisions to investigate or not to investigate upon grounds so satisfactory as these. Investigations are expensive, and the Association's funds are limited. Investigations take time, and it is sometimes difficult to ask our members to give the time and energy that the work of a sub-committee requires. The condition of the Association's treasury, and the practicability of getting an efficient sub-committee to undertake the work of investigation are, therefore, considerations which have had to weigh with us. But we believe that on the whole these necessary restrictions on the scope of our activities are not altogether to be deplored. Nothing could be more unfortunate than to have an impression gain a footing to the effect that the Association, or this committee, is a court of appeals for the relief of every individual instance of injustice, or an inquisitorial body for the investigation of every seeming departure from proper standards in matters of academic freedom and tenure. Just as the institution—its fitness to pose as the home of untrammelled truth-seeking and teaching—must be more to us than the rights or wrongs of an aggrieved individual, so the particular institution itself is less than the general

college and university situation. The consideration of the individual case is but a means to an end. The purpose behind our criticisms and censures is constructive. What corrective results we can obtain here and there we welcome, but our largest accomplishments must come from the educative aspects of our work.

In less than a third of the cases brought to our attention have questions of academic freedom been involved. But in each case there has been bound up, in one form or another, a problem of academic tenure. We fear that there is sometimes a disposition to hold that those cases in which the problem of academic freedom is not directly and immediately visible are of relatively minor importance. But such is not the view of this committee. The general problem of academic tenure is the larger of the two, embracing, indeed, the problem of academic freedom as one of its parts. Academic freedom is as a rule adequately safeguarded when right rules of academic tenure prevail.

It is difficult to formulate the general rules of academic freedom in such a way that a clear and unmistakable line shall be drawn between the field of utterance which it protects and the field for which it sets up no defenses. It is hard always to discriminate justly between the exercise of the scholar's right to give an honest account of his conclusions and his convictions and the disregard of his duty to refrain from ill-considered, intemperately phrased, and merely sensational pronouncements and from putting difficulties in the way of the orderly and efficient execution of the policies of the community. It is harder, even impossible, to state the principles which should govern our judgment on such matters in so definite and precise a way that they will afford an unfailing standard, a sure criterion, for the classification and adjudication of every different case that may present itself. Between those cases where dismissal would be a clear and unmistakable infringement of academic freedom and those cases where it is equally clear that the principle of academic freedom cannot be invoked as a defense, there is a narrow and uncertainly mapped area where judgment must hinge upon a knowledge of the background and all the attending conditions of the individual case.

But such considerations do not alter the fact that the governing boards of our colleges and universities are not always either competent or disinterested judges of such matters, and reinforce rather

than weaken the strength of our claim that the accused, if he chooses, should have the right to insist upon a definite formulation of the charges against him, upon a hearing, and upon a consideration of his case by a competent and impartial group. The real safeguards of academic freedom are the general safeguards of security of academic tenure, and these safeguards consist, in the main, of guarantees of adequate and appropriate procedure. The history of the safeguarding of individual liberties of whatever kind has been the history of the development of procedure. To this general rule the right of academic freedom can be no exception.

But security of academic tenure has other important aspects. Among the alleged grounds of dismissal in the various cases that have come to the attention of the committee during the past two years have been: inefficiency, untrustworthiness in financial matters, open criticism of one's administrative superiors, refusal to co-operate in the general educational policies of the head of a department or of the administrative authorities of an institution, and the exigencies of an enforced reduction in the salary roll or of a change in the curriculum. It is not necessary here to say which of these things are and which are not adequate grounds of dismissal. Frequently, of course, judgment must depend upon the precise degree and nature of the offence and upon all of its attending conditions. Here, as in the matter of academic freedom, general principles of justice cannot always be counted upon as an immediate and effective solvent of the special difficulties of the particular case in hand. Fundamentally and practically, our reliance must be put on the adoption and use of effective and just methods of procedure, such as were recommended in the general report of the Committee on Academic Freedom and Academic Tenure for 1915, and approved by vote of this Association. The present committee has used the procedure recommended by the committee of 1915 as a standard by which to test the adequacy of the procedure actually followed in the various cases of dismissal that have come to our attention. We have also done what we could to secure the wider adoption of this standard procedure, or of some modification or adaptation of it. These efforts have met, on the whole, with a fair measure of success, and we are encouraged to believe that there will continue to be steady progress towards its general adoption.

By thus shifting our emphasis from the problem of academic freedom to the more general problem of the security of academic

tenure, we may make necessary some restatement of our case. Not that we weaken in the slightest the fundamental soundness of our claims for academic freedom, but merely that we have to supplement these claims by a new insistence on other aspects of the problem of academic tenure. Dismissals in violation of the right of academic freedom, all too frequent as they are, make each year but a small proportion of the total number of presumably unjust dismissals. The case involving academic freedom has been and will continue to be the *cause célèbre*,—and that this should be so is an indication of a widespread and wholesome interest in the maintenance of rights that are important wherever learning and honest thinking and scientific research would flourish, and doubly important in a democracy. But we must see clearly that in the other and, we may say, routine cases of unjust dismissal, there are involved not only hardships for some and discomforts and apprehensions for others, but also deterrents to the wholesome life and progress of teaching and research.

But why, it may be asked, should the university or college teacher ask to have safeguards that are not vouchsafed to men in other professions or in business? Why should he refuse to accept the common risk of unemployment? Why should he not step aside when, in the opinion of his administrative superiors, a better man can be secured? Why, in short, should he hesitate to fling his own career into the general competitive struggle for success and for the rewards of success?

Preliminary to any consideration of these questions it must be observed that there is, of course, a good deal of competition in the academic world. There is rivalry for professional recognition and for the positions that afford the greatest opportunities. But a generous rivalry for preferment is a very different thing from the competition that seeks the road to success by weakening the position of other competitors or by shouldering them out of the way. And even as a factor in the world of business, competition has no *prima facie* case at court. The losses, the hardships, that it imposes upon unsuccessful competitors are patent to all. It is tolerated within its proper field because most men believe that its necessary injustices are less than those of any practicable alternative system and that it has positive economic and social advantages of its own, and because, furthermore, many men prefer a free field for individual initiative with its unlimited possibilities for successful achievement,



even though these must be offset by possibilities of failure and loss, to a safer but more limited field of opportunity.

But we have referred to the competitive system in business to suggest a contrast rather than an analogy. The academic world affords opportunity for achievements, it is true, but for achievements paid for in other currency than money prizes and valued in terms of other standards than those of the market-place. The man who chooses to enter academic work turns his back upon the field of competitive struggle with its chances of golden success. His probationary period successfully passed, he enters upon a career in which there is little chance of large pecuniary reward, but which gives, or ought to give, the fair certainty of a livelihood. This relative certainty and safety is a fair offset, but no more than a fair offset, to the absence of large prizes. To subject the teacher and scholar to all of the risks of the world of competitive enterprise, while withholding from him the chance of its larger pecuniary rewards, is illogical and unfair; and its entire tendency is to dissuade men of ability from entering the academic profession.

It should be remembered, too, that the college or university professor is a specialist. The market for his services is limited. In any one year, or series of years even, there may be no position available in which his special training and interests could be utilized. And despite the fact that, as we have already suggested, unjust dismissal is not likely to lower one's professional standing among persons who are really qualified to judge,—it may, for the time being, make one's services a distinctly less marketable commodity.

It is thus clear that on the basis of simple justice to the individual members of the profession there is ground for a presumption against dismissal without serious and valid cause. But there are weightier considerations.

Where tenure is insecure, and especially where the power of retention and dismissal is exercised in an arbitrary, capricious, and unjust manner, a premium is put upon the development of petty intrigue and of unworthy methods of securing the favor of the administrative authorities. Men of sound scholarship and high ideals shun positions in institutions where permanency of tenure depends on the continuing favorable judgment of a group of men whose purposes may be praiseworthy but whose judgment is certain to be fallible. The whole situation is one which gives advantages to men of another type: less scrupulous, more apt in petty political manœu-

ver, more given to time-serving and to various forms of sycophancy. The atmosphere of an institution in which tenure is precarious is not one in which conscientious teaching and sound scholarship are likely to thrive. A degeneration of the institutional spirit, of general moral tone, may frequently be observed in universities and colleges where reasonable security of tenure has ceased to be guaranteed.

These conditions are most likely to be found in the smaller denominational colleges and in the newer state universities, where they are usually bound up with such things as the absence of sound academic traditions, ignorance of fundamental academic ideals and purposes, political manipulation, and sectarian intolerance. If American universities and colleges should be ranked in two ways, first, with respect to their recognized standing as centers of teaching and research, and, second, with respect to the degree to which security of academic tenure prevails, there would be, despite some discrepancies, a noteworthy general similarity of the two rankings.

But the president of one of the greatest of American universities has recently ranked himself openly among the opponents of security of academic tenure.\* He says:

Useful reflection is invited by the question why it should usually be considered so normal and so natural for a teacher to exercise his pleasure to exchange one academic post for another, while so abnormal and so unnatural for the governors of institution of learning to exercise their pleasure to substitute a more satisfactory individual teacher for a poorer or less satisfactory one.

. . . It would be little short of a calamity were it not possible for an academic teacher to change his place of occupation without thereby reflecting upon the intelligence or the integrity of those with whom he had been associated, and similarly if it became impossible for the governing board of a school system or of a school or college to substitute one teacher for another without bringing charges against the person displaced. Any contrary theory assumes a pre-established harmony of which not even Leibnitz dreamed and a pre-established competence which would render it impossible for any one to be appointed to a teaching position who was not *ipso facto* entitled to steady promotion and increase in compensation and to a lifelong tenure. If advancement and success in the teaching profession are to depend upon merit and not merely upon status, there must be clear thinking and definite action in respect to these matters. Security of tenure is desirable, but competence and loyalty are more desirable still, and a secure tenure purchased at the price of incompetence and disloyalty must sound a death knell to every educational system or institution where it prevails. These are all

\*Annual Report of the President of Columbia University, 1916-1917, pp. 45-48.

matters of grave importance in the government of an educational system or an educational institution. They can not be dismissed with phrases or formulas, but must be met and decided in accordance with sound principle and the public interest.

This frank avowal of disbelief in the validity of the principle of security of academic tenure is a direct challenge not only of the position which this Association has taken but also of the soundness of the administrative practice of almost every other American educational institution of high grade, and even more completely, we may add, of the general scheme of organization of higher education in older countries. Isolated and individual though this expression of opinion be, it comes at a time and under conditions which give it special significance.

Two things in this statement call for special comment. First is the inquiry why, in view of the fact that a teacher may exchange one academic post for another, should it usually be deemed "So abnormal and unnatural for the governors of an institution of learning to exercise their pleasure to substitute a more satisfactory individual teacher for a poorer or less satisfactory one?" We do not take it that there is here implied any question as to the right of the teacher to resign one position in order to accept another. We do not assume that the president whom we have quoted is questioning the propriety of whatever efforts he has made or may make to draw teachers from other universities to the one over which he presides. The real point at issue is the validity of the parallel between the teacher's right to resign one position in order to accept another and the right of "The governors of an institution of learning" to drop one teacher in order to substitute a more "satisfactory" one.

The suggested parallel is, in our opinion, misleading and invalid. In the first place, it assumes that the institution and the individual are comparable units, that they contract with each other on a plane of entire equality and even advantage. It neglects the obvious fact that it is usually a matter of relatively great moment to the teacher whether or not he is able to retain an individual position; while the retention or loss of a single teacher even of high ability is rarely of equally vital consequence to the institution.

In the second place the suggested parallel holds up to view only the supposed interests of a particular institution, neglecting the essential unity of the purposes and interests of the whole world of higher education and research. The right of the teacher to exchange one employment for another, or, what amounts to the same thing,

the right of one institution to call a teacher from another institution, is more than a mere concession to the teacher and more than a mere advantage to the institution. It is an important factor in that wholesome rivalry, not for displacement, but for preferment, of which we have already spoken. It is the only means of even approximating the best distribution of teachers, of giving the best facilities for instruction and research to those who are able to make the best use of them, of putting the strongest men into the most responsible positions, of giving the scholar the kind of work he is best qualified to do. In short it is a right justified by its results, by its genuine value to higher education and research.

The right of security of tenure must likewise be judged, as we have already tried to show, by its value to the cause of scholarship and teaching, and to the interests of society as a whole. Here we quote the second of the two excerpts selected for special comment: "Security of tenure is desirable, but competence and loyalty are more desirable, and a secure tenure purchased at the price of incompetence and disloyalty must sound a death knell to every educational system or institution where it prevails."

It is not a misleading parallel, but a false antithesis, that is here expressed. When and where in this country has security of tenure ever been purchased at the price of incompetence and disloyalty? And what American educational system or institution has ever been wrecked or is likely to be wrecked by security of tenure purchased at whatever price? As for insecurity of tenure, it has sometimes purchased loyalty of an unenviable sort, but it has never purchased competence. But enough for what is very likely mere looseness of phrasing. The serious point is that these utterances indicate a belief that without security of tenure the general level of competence of the teaching staffs of American universities might be higher than it is.

We cannot see that there is any reasonable ground for such a belief. General insecurity of tenure, prevailing among our universities and colleges, would certainly not tend to attract stronger men to the teacher's work. And with reasonable security of tenure prevailing at other institutions of similar grade no one university is likely to increase its prestige, its ability to attract and hold men of high competence, by declaring that the tenure of its professorships is uncertain and insecure. We are forced to believe that the opinions we have quoted rest upon a confusion of general insecurity of tenure, as a permanent administrative policy, with something very

different, namely the existence, at any given time, of the power to dismiss men deemed to be unsatisfactory, and to replace them with men appointed with the general assumption, if not the expressed understanding, that their own tenure shall be secure. The inconsistency and impossibility of this last as a continuing administrative policy is obvious. And yet it is fairer to suppose that such is what an advocate of insecure tenure really desires than to suppose that he expects that the governors of an institution of learning will be able to replace A by B, a supposedly more satisfactory teacher, under the open and expressed condition that B himself may be replaced by C or D or by whomever else comes to be deemed a yet more satisfactory teacher.

If it were not for isolated instances of opposition, such as that we have just discussed, it would scarcely be worth while to dwell at any length on the rational basis and justification of security of tenure. It would be sufficient to rest our case on experience, to point to the traditions and practice of our best and most successful colleges and universities, and to regard our task as merely that of bringing light into dark places.

Security of tenure has its costs. It unquestionably opens the door to occasional abuses. The academic profession is, for example, not without those who make of their command over their own time and their security of tenure an excuse for indolence. Gross shortcomings of this kind, like gross neglect of other obligations, or other serious faults, may very properly lead, through proper procedure and the affirmative judgment of a properly constituted tribunal, to dismissal. But let it be granted freely that under a system of secure tenure, some undeserving men will retain their positions. Is there any guarantee, any assurance drawn from experience or from careful analysis, that the weeding-out process will be any more thoroughly and wisely done where tenure is deemed to be at the pleasure of the legally-constituted administrative authorities? And at any rate it is vastly more important that deserving men should be free from the menace of arbitrary dismissal than that every less deserving man, provided he is above the level of gross unfitness, should be dismissed.

There is every reason why colleges and universities should set the highest possible standards for their appointments, and should make these appointments with the utmost care. Where weakness now exists in the faculties of our colleges it is chiefly due to a failure

on the part of the appointing authorities to exercise such care. The ability to dismiss men "at pleasure" would be sure to lead to still less emphasis on the right selection of men for professional positions at the time of their appointments. It is better in every way that the selective process should, so far as possible, come before and not after appointment to the higher posts.

Finally, it should be observed that some of the finest fruits of the life of the teacher and investigator are inseparably bound up with security of tenure. Freedom from time-serving, from the necessity of shaping one's work so that there shall be tangible and frequent evidence, no matter how slender, of one's power of scholarly productivity, freedom to plan one's life around some important investigation calling for prolonged and patient research, freedom from any temptation to sycophancy, freedom for true institutional loyalty,—is it not clear that these are large things, and that the possible abuses of security of tenure are, in comparison, small things? In insisting upon security of academic tenure, this Association is merely insisting that the work of the teacher and investigator shall be given a fair chance to realize its best possibilities.

The Committee:

C. E. BENNETT (Cornell University),  
 R. T. ELY (University of Wisconsin),  
 F. A. FETTER (Princeton University),  
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 GEORGE LEFEVRE (University of Missouri),  
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 U. G. WEATHERLY (University of Indiana),  
 ALLYN A. YOUNG (Cornell University), *Chairman.*

*Committee on Academic Freedom  
 and Academic Tenure.*

\* Professor F. H. Hodder dissents from this report upon the following grounds: (1) that it is unwise to shift the emphasis from academic freedom to academic tenure; (2) that it should be the aim of the Association to secure the vindication and reinstatement of professors unjustly dismissed from their posts, and (3) that the over emphasis of tenure will result in the retention of incompetent men.